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TO: Art Unit 1638 - Mail Stop Amendment

COMPANY: USPTO

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FROM: LILA A. T. AKRAD

NUMBER OF PAGES (Including cover): 10

Please file the attached **PRELIMINARY AMENDMENT** for the following:

APPLICANTS : CUNNYNGHAM, Charles Thomas
SERIAL NO : 10/751,363
FILED : January 5, 2004
TITLE : INBRED MAIZE LINE PHJ8R

Grp./A.U. : 1638
Examiner :
Conf. No. : 2241
Docket No. : P06627US01 - PHI 1234EC

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PRELIMINARY AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that this Preliminary Amendment be entered and made of record in response to the recent Board of Appeal decisions in U.S. Patent applications 10/000,311; 09/771,938; and 09/772,520 and the applicability of the reasoning of those Board decisions to the claims and arguments in the present case. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. § 1.115. Applicant respectfully requests reconsideration.

09/14/2005 SSITHIB1 00000059 260084 10751363

01 EC:1201 200.00 DA
02 EC:1202 700.00 DA

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

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☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (571) 273-8300.

Date: 9/13/05

LILA A. T. AKRAD

Introductory Comments

Claims 1-10 are pending in the present application.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 8 of this paper.